

Patrick Morrissey

From: Thomas Morrissey
Sent: Friday, June 23, 2023 8:15 PM
To: Jason DeVore
Cc: Patrick Morrissey
Subject: RE: Westmoreland v. Dart Inspections at the Jail and setting dates for depositions

Jason:

Respectfully I disagree.
We have disclosed all the documents in our possession. We will file the motion opposed.

Tom

--
Thomas G. Morrissey
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From: Jason DeVore <jdevore@devoreradunsky.com>
Sent: Friday, June 23, 2023 4:39 PM
To: Thomas Morrissey <tgm@morrisseylawchicago.com>; Patrick Morrissey <pwm@morrisseylawchicago.com>
Cc: Troy Radunsky <tradunsky@devoreradunsky.com>; Law Clerks <LawClerks@devoreradunsky.com>; Zachary Stillman <zstillman@devoreradunsky.com>
Subject: Re: Westmoreland v. Dart Inspections at the Jail and setting dates for depositions

Tom,

I believe we set forth the reasons why your motion is premature (in my email to you from today). Additionally we have questions pending from my email of today that remain unresolved.

If you can answer my questions I will again speak with my client this coming week.

Thank you.

Jason

Jason E. DeVore
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From: Thomas Morrissey <tgm@morrisseylawchicago.com>
Sent: Friday, June 23, 2023 1:32:49 PM
To: Jason DeVore <jdevore@devoreradunsky.com>; Patrick Morrissey <pwm@morrisseylawchicago.com>
Cc: Troy Radunsky <tradunsky@devoreradunsky.com>; Law Clerks <LawClerks@devoreradunsky.com>; Zachary Stillman <zstillman@devoreradunsky.com>
Subject: RE: Westmoreland v. Dart Inspections at the Jail and setting dates for depositions

Mr. DeVore:

As we discussed during our conferral on Wednesday, defendants agreed to either provide a date for the inspection of the RTU Ramps or in the alternative plaintiff would file a motion seeking to compel the inspection. Additionally, during our phone call, I explained the reason(s) for the inspection and our willingness to follow the protocol used when other facilities have previously been inspected by my office. Furthermore, I mentioned that plaintiff is not in possession of construction drawing or other measurements of the Ramps other than what was previously disclosed or included within the Class certification memo. Attached is the motion to compel. Please let me know by the end of the day if defendants have an objection.

In regards to identifying the officer from the photograph in the Notice of Deposition, I suggested that supervisory personnel within the Sheriff's Office should be able to identify the officer or have a movement documents reflecting his name.

Have a nice weekend.

Tom

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From: Jason DeVore <jdevore@devoreradunsky.com>
Sent: Friday, June 23, 2023 11:48 AM
To: Patrick Morrissey <pwm@morrisseylawchicago.com>; Thomas Morrissey <tgm@morrisseylawchicago.com>
Cc: Troy Radunsky <tradunsky@devoreradunsky.com>; Law Clerks <LawClerks@devoreradunsky.com>; Zachary Stillman <zstillman@devoreradunsky.com>
Subject: RE: Westmoreland v. Dart Inspections at the Jail and setting dates for depositions

Good morning Pat and Tom,

As we discussed during our call on Wednesday, June 21, 2023, we are writing to you today in relation to the deposition notice and inspection request that you sent three weeks ago on May 30, 2023. There are no delinquent discovery requests and defendants have not refused to produce anyone for deposition. You advised that you did not want to pursue court intervention, which is sensible given that nothing is overdue, and the parties are not at an impasse.

First, with respect to the deposition notice, we object to the deposition notice, but are not refusing to produce the person in the photo. We do, however, need to go through the regular course of discovery to ascertain the identity of the individual. The picture is unclear, and the source of the picture is unclear because defendants did not produce it during the course of this litigation. We are also unaware of any incident reports on February 18, 2023, the date you referenced in relation to the picture in the deposition notice. Once the parties have identified the person depicted, and if the person depicted is a current employee, there will be no objection to producing the employee for deposition. Right now, we are treating the photo deposition notice as an interrogatory request to identify the depicted individual. The CCSO cannot produce Dr. Papiez or Timothy Tyrrell because neither is an employee of CCSO. Our clients also wish to make it clear that they are not refusing to produce anyone for a deposition. We are speaking with our client, the County, with respect to Dr. Papiez and Timothy Tyrrell.

Second, as to the RTU ramps, please provide details, with specific reference to the architectural drawings within your possession, identifying the markings or measurements on the architectural drawings contested by the plaintiff, or that which is missing. It is my understanding from our telephone conversation on June 21, 2023, that your expert has not previously measured any portion of the jail facility, including the RTU, that you want to inspect, and you are unaware of any other source of the information you seek through an inspection. If my understanding is incorrect, please advise accordingly.

Thanks,
Jason

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From: Patrick Morrissey <pwm@morrisseylawchicago.com>

Sent: Wednesday, June 21, 2023 4:06 PM

To: Jason DeVore <jdevore@devoreradunsky.com>; Troy Radunsky <tradunsky@devoreradunsky.com>; Law Clerks <LawClerks@devoreradunsky.com>; Zachary Stillman <zstillman@devoreradunsky.com>

Cc: Thomas Morrissey <tgm@morrisseylawchicago.com>

Subject: FW: Westmoreland v. Dart Inspections at the Jail and setting dates for depositions

Below is a message from Tom regarding this afternoon's phone conferral.

From: Thomas Morrissey <tgm@morrisseylawchicago.com>
Sent: Wednesday, June 21, 2023 4:02 PM
To: Thomas Morrissey <tgm@morrisseylawchicago.com>
Cc: Patrick Morrissey <pwm@morrisseylawchicago.com>
Subject: RE: Westmoreland v. Dart Inspections at the Jail and setting dates for depositions

Counsel:

I write following our conferral this afternoon regarding the notice to inspect the ramps at the CCDOC which are the subject matter of the above captioned case. You requested until Friday to confer with your client prior to taking a formal position whether defendants will object to the inspection.

Based on that representation, I agreed to defer filing a motion to compel the inspection until the end of business on Friday.

Tom
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From: Thomas Morrissey
Sent: Wednesday, June 21, 2023 3:37 PM
To: Jason DeVore <jdevore@devoreradunsky.com>
Subject: FW: Westmoreland v. Dart Inspections at the Jail and setting dates for depositions

Mr. Devore:

Please call me at 773-233-7900. At your request yesterday, I placed a call to you at 3:30 to discuss the inspection in Westmoreland.

Tom

--
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From: Thomas Morrissey <tgm@morrisseylawchicago.com>
Sent: Wednesday, June 21, 2023 3:34 PM
To: Thomas Morrissey <tgm@morrisseylawchicago.com>
Cc: Patrick Morrissey <pwm@morrisseylawchicago.com>
Subject: RE: Westmoreland v. Dart Inspections at the Jail and setting dates for depositions

Mr. Devore:

Yesterday you asked to defer our conferral until today at 3:30 pm. I attempted to call you and I left you a voicemail message requesting a call.

Tom

--
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From: Thomas Morrissey
Sent: Tuesday, June 20, 2023 1:40 PM
To: Jason DeVore <jdevore@devoreradunsky.com>
Cc: Patrick Morrissey <pwm@morrisseylawchicago.com>
Subject: RE: Westmoreland v. Dart Inspections at the Jail and setting dates for depositions

Mr. Devore:

I write requesting a conferral to set up a date for the inspections at the Jail pursuant to the outstanding notice. Additionally, I write to set dates for the depositions which were noticed by plaintiff last month.

Earlier today I left a voicemail for you regarding these matters.

Tom

--
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From: Thomas Morrissey
Sent: Wednesday, June 14, 2023 10:49 AM
To: Thomas Morrissey <tgm@morrisseylawchicago.com>
Cc: Patrick Morrissey <pwm@morrisseylawchicago.com>
Subject: RE: Westmoreland v. Dart et al | Motion for Entry of Confidentiality Order

Mr. DeVore:

I again tried to contact you by phone to discuss the inspection notice. Please return my call.

Tom

--
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From: Thomas Morrissey
Sent: Tuesday, June 13, 2023 2:18 PM
To: Jason DeVore <jdevore@devoreradunsky.com>; Patrick Morrissey <pwm@morrisseylawchicago.com>
Cc: Troy Radunsky <tradunsky@devoreradunsky.com>; Law Clerks <LawClerks@devoreradunsky.com>; Zachary Stillman <zstillman@devoreradunsky.com>
Subject: RE: Westmoreland v. Dart et al | Motion for Entry of Confidentiality Order

Mr. DeVore:

I write in response to your email yesterday pertaining to the inspection of the ramps in the RTU and the ramp which was used on February 18, 2023 in Division 4 .

Plaintiff's complaint alleges the ramps are not accessible for wheelchair users.

Please call be back so we can address your concerns regarding inspections, your position the inspections are not relevant and hopefully to agree on a date for the inspections.

Tom

--
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From: Jason DeVore <jdevore@devoreradunsky.com>
Sent: Monday, June 12, 2023 3:24 PM
To: Patrick Morrissey <pwm@morrisseylawchicago.com>; Thomas Morrissey <tgm@morrisseylawchicago.com>
Cc: Troy Radunsky <tradunsky@devoreradunsky.com>; Law Clerks <LawClerks@devoreradunsky.com>; Zachary Stillman <zstillman@devoreradunsky.com>
Subject: RE: Westmoreland v. Dart et al | Motion for Entry of Confidentiality Order

Good afternoon Pat,

We are in the process of drafting answers to interrogatories and responses to requests to produce. We note that several requests directed at CCSO are more appropriately directed to Cook County. We will provide responses and any objections in the coming weeks.

As promised, we have spoken with our client relative to your inspection request. We need some clarity regarding the inspection request. First, Request (a) seeks to inspect, measure, survey and photograph “two pedestrian tunnels connecting the RTU to the adjacent buildings . . .”. Your request references a schematic/printout from Walsh Construction. Second, Request (b) seeks to inspect, measure, survey and photograph “the ramp(s) in Division 4 that plaintiff Westmoreland navigated on February 18, 2023.

Given that your inspection request would interrupt jail operations in occupied areas of the jail, we need to understand why you believe that an inspection is relevant and necessary. Also, we need to know what you believe needs to be measured/photographed/surveyed. It appears that you have information, including information from Walsh Construction, that provides information regarding the areas that you wish to inspect.

If you can provide the requested information, we will provide it to our client for further discussion.

Thank you.

Jason

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From: Patrick Morrissey <pwm@morrisseylawchicago.com>
Sent: Thursday, June 8, 2023 10:45 AM
To: Jason DeVore <jdevore@devoreradunsky.com>; Zachary Stillman <zstillman@devoreradunsky.com>; Thomas Morrissey <tgm@morrisseylawchicago.com>
Cc: Troy Radunsky <tradunsky@devoreradunsky.com>; Law Clerks <LawClerks@devoreradunsky.com>
Subject: RE: Westmoreland v. Dart et al | Motion for Entry of Confidentiality Order

Jason:

I left you a voice mail message a few minutes ago seeking to discuss the inspection request and the deposition notice served on 5/30. Can you please provide a time to confer about this discovery? As stated in my e-mail sent 5/30, we

would like to discuss this matter with you to ascertain whether there are any objections/concerns. We request to complete this inspection in June.

Thanks,

Pat Morrissey

From: Patrick Morrissey

Sent: Tuesday, May 30, 2023 12:06 PM

To: Jason DeVore <jdevore@devoreradunsky.com>; Zachary Stillman <zstillman@devoreradunsky.com>; Thomas Morrissey <tgm@morrisseylawchicago.com>

Cc: Troy Radunsky <tradunsky@devoreradunsky.com>; Law Clerks <LawClerks@devoreradunsky.com>

Subject: RE: Westmoreland v. Dart et al | Motion for Entry of Confidentiality Order

Jason:

Thank you for the update.

Attached is discovery in the case. This includes:

- Production request to all defendants;
- Interrogatories to the Sheriff;
- Interrogatories to Cook County;
- Inspection request; and
- A deposition notice.

Once you review the inspection request, can we set up a call to discuss any objections and or concerns?

Thanks

Pat Morrissey

From: Jason DeVore <jdevore@devoreradunsky.com>

Sent: Friday, May 26, 2023 12:48 PM

To: Patrick Morrissey <pwm@morrisseylawchicago.com>; Zachary Stillman <zstillman@devoreradunsky.com>; Thomas Morrissey <tgm@morrisseylawchicago.com>

Cc: Troy Radunsky <tradunsky@devoreradunsky.com>; Law Clerks <LawClerks@devoreradunsky.com>

Subject: Re: Westmoreland v. Dart et al | Motion for Entry of Confidentiality Order

Good afternoon Pat,

I believe you are out of the office today, but we wanted to keep you posted regarding our answers. We will not be filing them until next Tuesday or Wednesday after hearing back from our client.

Jason

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